

Introduced by Senator HaynesFebruary 24, 2000

An act to amend Section 6401 of the Business and Professions Code, relating to legal document assistants and unlawful detainer assistants.

LEGISLATIVE COUNSEL'S DIGEST

SB 1927, as introduced, Haynes. Legal document assistants and unlawful detainer assistants.

Existing law generally regulates unlawful detainer assistants, as defined, and until January 1, 2003, also regulates legal document assistants, as defined, and, among other things, provides for the registration by the county clerk of those persons. Various persons are exempted from these regulatory requirements.

This bill would additionally exempt from these regulatory requirements persons operating as a legal document assistant or an unlawful detainer assistant who limits his or her practice solely to assisting either party in a small claims court action.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6401 of the Business and
- 2 Professions Code, as amended by Section 2 of Chapter 892
- 3 of the Statutes of 1999, is amended to read:
- 4 6401. This chapter does not apply to any person
- 5 engaged in any of the following occupations, provided



1 that the person does not also perform the duties of a legal
2 document assistant in addition to those occupations:

3 (a) Any government employee who is acting in the
4 course of his or her employment.

5 (b) A member of the State Bar of California, or his or
6 her employee, paralegal, or agent, or an independent
7 contractor while acting on behalf of a member of the
8 State Bar.

9 (c) Any employee of a nonprofit, tax-exempt
10 corporation who either assists clients free of charge or is
11 supervised by a member of the State Bar of California
12 who has malpractice insurance.

13 (d) A licensed real estate broker or licensed real estate
14 salesperson, as defined in Chapter 3 (commencing with
15 Section 10130) of Part 1 of Division 4, who acts pursuant
16 to subdivision (b) of Section 10131 on an unlawful
17 detainer claim as defined in subdivision (b) of Section
18 6400, and who is a party to the unlawful detainer action.

19 (e) An immigration consultant, as defined in Chapter
20 19.5 (commencing with Section 22441) of Division 8.

21 (f) A person registered as a process server under
22 Chapter 16 (commencing with Section 22350) or a person
23 registered as a professional photocopier under Chapter 20
24 (commencing with Section 22450) of Division 8.

25 (g) A person who provides services relative to the
26 preparation of security instruments or conveyance
27 documents as an integral part of the provision of title or
28 escrow service.

29 (h) A person who provides services that are regulated
30 by federal law.

31 (i) A person who is employed by, and provides services
32 to, a supervised financial institution, holding company,
33 subsidiary or affiliate.

34 (j) *A person operating as a legal document assistant*
35 *who limits his or her practice solely to assisting either*
36 *party in a small claims court action.*

37 (k) This section shall remain in effect only until
38 January 1, 2003, or the date the director suspends the
39 requirements of this chapter applicable to legal
40 document assistants pursuant to Section 6416, whichever



1 first occurs, and as of that date is repealed, unless a later
2 enacted statute, that is enacted before that date, deletes
3 or extends that date.

4 SEC. 2. Section 6401 of the Business and Professions
5 Code, as amended by Section 6 of Chapter 1079 of the
6 Statutes of 1998, is amended to read:

7 6401. This chapter does not apply to any of the
8 following:

9 (a) Any government employee who is acting in the
10 course of his or her employment.

11 (b) An active member of the State Bar of California,
12 or his or her employee or agent, acting under the
13 member's supervision, or an independent contractor
14 while acting on behalf of, and under the supervision of,
15 the member.

16 (c) Any employee of a nonprofit, tax-exempt
17 corporation who assists clients free of charge.

18 (d) A licensed real estate broker or licensed real estate
19 salesperson, as defined in Chapter 3 (commencing with
20 Section 10130) of Part 1 of Division 4, who acts pursuant
21 to subdivision (b) of Section 10131 on an unlawful
22 detainer claim as defined in subdivision (b) of Section
23 6400, and who is a party to the unlawful detainer action.

24 (e) *A person operating as an unlawful detainer*
25 *assistant who limits his or her practice solely to assisting*
26 *either party in a small claims court action.*

27 (f) This section shall become operative January 1, 2003,
28 or the date the director suspends the requirements of this
29 chapter applicable to legal document assistants pursuant
30 to Section 6416, whichever first occurs.

